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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,155	01/22/2002	William P. Darbie	10011309-1	5337

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AGILENT TECHNOLOGIES, INC.

Legal Department, DL429

Intellectual Property Administration

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,155

Applicant(s)

DARBIE, WILLIAM P.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 26-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Response to Election filed 05/02/2006 to the original application filed 01/22/2002.
2. Claims 14-25 are elected for examination. Claims 14 and 19 are independent claims.
3. Applicant is required to cancel non-elected claims 1-13 and 26-41 in the next response to this office action.

Request Continuation for Examination

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/2006 has been entered.

Election/Restrictions

5. Applicant's election with traverse of Group II (claims 14-25) in the reply filed on 05/02/2006 is acknowledged. The traversal is on the ground(s) that the subject matter of Groups I, II and II, although not necessarily obvious in view of each other, are very similar in subject matter. This is not found persuasive because of the fact that the embodiments may be searched together cannot preclude a requirement for restriction if their appearances are considered patentably distinct, since patentably distinct embodiments cannot be supported by a single formal design claim. In this case, there are three patentably distinct groups of claims, the first one is drawn to transforming test data from a first format generated by a test compiler to a hypertext markup language format, comparing the test data with text of interest, and generating a first entry responsive to a condition of a device under test, inserting a second entry in the hypertext markup language; the second one is drawn to comparing the plurality of lines of information with a string to generate a match, and adding a summary to the hypertext markup language translation; and the third one is drawn to translating the text to a hypertext markup language, and generating a summary that is integrating with the analyzed information in a report, which are specifically classified in three different subclasses 702/108, 715/516, and 715/523, respectively.

Thus, the requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sotomayor** (U.S. 5,708,825 – filed 05/26/1995) in view of **Weeks** (U.S. 6,334,132 – filed 06/1998).

As to claim 14:

Sotomayor teaches a text enhancer (*see the Abstract and the discussion beginning at col. 4, line 12*), comprising:

- means for receiving a text file (*e.g., source document 20*) having a plurality of lines of information [*see fig.8 and the discussions beginning at col. 4, line 12 and col. 11, line 60*];
- generate a match (*e.g., Linguistic analyzer 42 is a computer program that does a linguistic analysis of the source documents in order to extract key topics*) [*see the discussion beginning at col.15, line 43*];
- means for compiling a statistic on the match [*e.g., see the summary page generator discussion, beginning at col.8, line 26*];

- means for converting (*e.g., HTML formatter 50 is used to convert*) the text file to a hypertext markup language translation (*e.g., HTML source document*) of the text file (*e.g., HTML source document*) [see fig.8 and the discussions beginning at col. 4, line 12 and col. 11, line 60];
- means for inserting an entry in the hypertext markup language translation of the text file responsive to a condition of a device under test (*e.g., 'home page' is defined as an entry page used by a database provider to provide an overview of other pages and/or documents available through the system associated with the home page. A home page often contains a trademark and other flashy pictorial or aesthetic information identifying the database provider. The viewer normally begins by clicking on one of the hot areas on a home page which the World Wide Web uses as an entry page to the information a database provider presents. The viewer likely starts to trace through a web of hyperlinks to a series of various documents on various computers on a network [see the discussion, beginning at col.7, line 36]; and*
- means for adding a summary (*e.g., the summary page...is appended*) to the hypertext markup language translation [see the discussions beginning at col. 4, line 12 and col. 19, line 34].

Sotomayor does not specifically teach means for comparing the plurality of lines of information with a string.

Weeks teaches means for comparing the plurality of lines of information with a string
[e.g., see the discussions beginning at col. 5, line 45].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature from Weeks in the system of Sotomayor because it would have provided the capability for analyzing the text file to produce a summary page that reflects a user's interests.

As to claim 15:

Sotomayor teaches means for reporting the statistic *[e.g., see the discussion beginning at col.8, line 26];*

As to claim 16:

Sotomayor teaches means for applying a hypertext markup language link (*e.g., hyperlink*) between the statistic and an instance of the string in the match *[e.g., see the Abstract and discussion beginning at col.4, line 12].*

As to claim 17:

Sotomayor teaches receives a previously stored string *[e.g., see the discussion beginning at col.12, line 59].*

As to claim 18:

Sotomayor teaches receives a string via an input device *[e.g., input device; see the discussion beginning at col.10, line 60]*.

As to claim 19:

The rejection of claim 1 above is incorporated herein in full. Additionally, Sotomayor teaches:

- logic configured to locate a text string within the text data *(e.g., automatically identifies significant key topics within the selected documents) [e.g., see the Abstract and discussion beginning at col.4, line 12];*
- logic configured to log located text strings, wherein each occurrence of a particular text string is associated with an indicator *[e.g., see the Abstract and discussion beginning at col.4, line 12 and col.13, lines 59];* and
- logic configured to register a respective label *[e.g., see the Abstract and discussion beginning at col.4, line 12 and col.12, lines 59]*.

Sotomayor does not specifically teach logic configured to associate a particular label with occurrences of the particular text string located within the text data.

Weeks teaches logic configured to associate a particular label with occurrences of the particular text string located within the text data [*e.g., see the discussion beginning at col.10, line 20*].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the feature from Weeks in the system of Sotomayor because it would have provided the capability for identifying the number of times that the data items in the set of target data items occur in each selected section.

As to claim 20:

Sotomayor teaches the logic configured to log located text strings records a number of occurrences of the particular text string [*e.g., see the discussion beginning at col.4, line 12 and col.13, lines 59*].

As to claim 21:

Sotomayor teaches the logic configured to register a respective label concatenates the number of occurrences of the particular text string to the label to generate a summary entry [*e.g., see the discussions beginning at col. 4, line 12 and col.11, line 60*].

As to claim 22:

Sotomayor teaches the logic configured to associate a particular label adds a link [*e.g., see the Abstract and discussions beginning at col. 4, line 12*].

As to claim 23:

Sotomayor teaches the link comprises changing a characteristic of both the text string in the text data and the summary entry [*e.g., see discussion beginning at col.13, line 28*].

As to claim 24:

Sotomayor teaches the link comprises adding an alphanumeric character to both the text string and the summary entry [*e.g., see discussion beginning at col.17, line 19*].

As to claim 25:

Sotomayor teaches the link is a hypertext markup language link (*e.g., hyperlink*) [*e.g., see the Abstract and discussion beginning at col.4, line 12*].

Response to Arguments

8. Applicants' arguments filed 05/02/2006 have been fully considered but are moot in view of the new ground(s) rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Witbrock et al.	U.S. Pat. No. 6,317,708	Issued: Nov. 13, 2001
Bruckner	U.S. Pat. No. 6,401,086	Issued: Jun. 4, 2002
Nishizawa	U.S. Pat. No. 6,537,325	Issued: Mar. 25, 2003
Harris et al.	U.S. Pat. No. 6,904,564	Issued: Jun. 7, 2005
Guo et al.	U.S. Pat. No. 7,017,114	Issued: Mar. 21, 2006


Contact information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN


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